

REMARKS

Claims

After entry of the subject amendment, claims 13, 14, 16, and 17 are pending in the application with claims 13 and 14 in independent form. Claims 13, 14, and 16 have been amended as described below and claim 17 is new. Claims 1-12, 15, and 16 have been canceled. No new matter has been added to the application as a result of these amendments.

Claim Rejections

Claims 1-10 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 12 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 2, 6, 7, 11, 15, and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Finitzo et al. (U.S. Patent No. 5,003,986).

As stated above, claims 1-12, and 15 have been canceled. As such, the Examiner's rejections of these claims are moot. Claim 16 has been amended to claim dependency to allowable claim 13, as described below, such that it is respectfully suggested that the Examiner's rejection of this claim has been overcome.

Allowable Subject Matter

The Examiner has indicated that claims 13 and 14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant thanks the Examiner for the favorable review of these claims and accept the Examiner's invitation with regard to the claims. As such, claims 13 and 14 have each been rewritten in independent form to incorporate the features of claim 11. Claim 16 has been amended to claim dependency on claim 13. Claim 17 has been added and is dependent on claim 14. Since claims 13, 14, 16, and 17 now include the features of the claims that were previously only objected to, it is submitted that these claims are in an allowable form.

The present claims are submitted solely to expedite allowance of the claims the examiner previously indicated are patentable. Applicants respectfully reject the notion Finitzo et al. discloses each and every feature of each of the previously examined claims. For instance, Finitzo et al. does not disclose, teach, or suggest providing signals to a patient in an encoded sequence as is recited in claim 1. Thus, the filing of this paper should not be interpreted to be an abandonment or disclaimer of the subject of the previously examined claims or the equivalents of the allowed claims.

It is respectfully submitted that the application is now presented in condition for allowance which is respectfully solicited. The fee for a three-month extension of time is submitted herewith. It is also believed that no other fees are due. However, the

Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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January 7, 2011

Date

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